

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TRUSTEES OF MICHIGAN REGIONAL COUNCIL
OF CARPENTERS' EMPLOYEE BENEFITS FUND,
et al.,

Plaintiffs,

v.

Case No. 07-12555

MODERN FLOORING SERVICES, INC.,
et al.,

Defendants.

ORDER DENYING MOTION FOR SUBSTITUTED SERVICE

Before the court is Plaintiffs' motion seeking substituted service of process. In support, Plaintiffs aver that service by the process server "cannot be reasonably made as shown in the accompanying affidavit of Process Server." P's Br. at 1. Plaintiffs further aver that "we have verified Defendant's residence with the U. S. Postal Service. . . . " *Id.* Plaintiffs attached an affidavit of the process server indicating that "the following times [sic] have been made in effort to serve process," and showing three attempts to serve Defendants on Wednesday August 8, 2007, at 7:24 p.m., Thursday August 23, 2007, at 8:47 a.m. and Wednesday August 29, 2007, at 3:19 p.m.

A person was apparently present on at least one of these occasions and spoke to the server ("female stated not home working out of town"). The individual Defendant's absence on that Wednesday early evening was thus reasonably explained. His absence during ordinary working hours on two additional weekday dates in August is consistent

with normal patterns and does not in any way show that service of process in the ordinary manner “cannot be reasonably made,” if reasonable efforts were expended in so doing.¹ Plaintiff’s motion is unconvincing.

The motion is DENIED without prejudice.

s/ Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 28, 2007

¹ This court holds to the (perhaps quaint) idea that professional process servers are specialists in finding hard-to-find people and figuring out a way to approach them to hand them the necessary documents.